

REMARKS

Applicant respectfully submits that the foregoing amendments are sufficient to place the application in a condition for allowance.

The Examiner has rejected Claims 1, 10-17, 24, 26 and 27 under 35 U.S.C. 102(b) as being anticipated by Su, U.S. Patent No. 6,052,066. The Examiner has rejected Claims 2-9, 18-21 and 23 under 35 U.S.C. 103(a) as being obvious in light of Su in combination with Petite et al, U.S. Patent No. 6,437,692. The Examiner has rejected Claim 20 under 35 U.S.C. 103(a) as being obvious in light of Su in combination with Petite et al. and Chou, U.S. Patent No. 6,327,533. The Examiner has rejected Claims 22 and 25 under 35 U.S.C. 103(a) as being obvious in light of Su in combination with Petite et al. and Mahler, U.S. Patent No. 5,748,852. Applicant respectfully traverses these rejections based upon independent Claims 1 and 28 as presented herein.

Claims 1 and 28 incorporate the limitations of cancelled Claim 8 and pending Claim 9, respectfully, to require that *"more than one customer of a single service provider accesses said server for receipt of information of said customer provided by said service provider"* and that *"a single customer of more than one service provider accesses said server for receipt of information of said customer provided by each said service provider"*, respectfully. The Examiner has relied solely upon Petite et al. (at column 12, lines 15-23 and at column 13, lines 8-30) as teaching these limitations. However, Petite et al. does not in fact teach these limitations. Instead, it teaches a client-server wide area network (WAN) architecture that provides information from a remote monitoring station to a WAN-connected server for further processing, storage, access and

use by the client, without any teaching or suggestion of a two-tiered user scheme (i.e., service provider/customer) which provides (a) multiple end users/customers with access to information from a single common service provider or (b) access by a single end user/customer to information from multiple service providers common to that user/customer, as is required by Claims 1 and 28, respectively.

Thus, the prior art of record cannot anticipate¹ or render obvious² Claims 1 or 28 or any

¹ See MPEP § 2131 (citing In re Bond, 910 F.2d 831, 832 (Fed.Cir. 1990))(for a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in that reference, and the elements must be arranged as in the claim under review); In re Paulsen, 30 F.3d 1475, 1478-79 (Fed.Cir. 1994)(to serve as the basis for a 35 U.S.C. § 102 rejection, the relied upon reference must contain all the limitations of the rejected claim); PPG Industries v. Guardian Industries Corp., 75 F.3d 1558, 1566, 37 USPQ.2d 1618, 1624 (Fed.Cir. 1996)(*"[t]o anticipate a claim [under 35 U.S.C. § 102] a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter"*)).

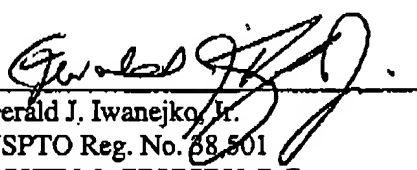
² See Motorola v. Interdigital Technology Corp., 121 F.3d 1461, 1471, 43 USPQ.2d 1481, 1489 (Fed.Cir. 1997)(*"[i]n order to render a claimed apparatus or method obvious, the prior art must enable one skilled in the art to make and use the apparatus or method"*)(citing Beckman Instruments, Inc. v. Productukter AB, 892 F.2d 1547, 1551, 13 USPQ.2d 1301, 1304 (Fed.Cir. 1989)). See MPEP § 2143.01 (*"if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious"*). See also Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, 21 F.3d 1068, 1071-72 30 USPQ.2d 1377, 1379-80 (Fed. Cir. 1994)(holding relied-upon references did not support rejection of obviousness because the trial court *"identified no reference that taught or suggested that [the elements of the claims] might be adapted to the [claimed combination] . . . when the patented invention is made by combining known components to achieve a new system, the prior art must provide a suggestion or motivation to make such a combination"*)(alteration in original). See MPEP § 2142 (*"[w]ith regard to rejections under 35 U.S.C. § 103, the examiner must provide evidence which as a whole shows . . . [that] the reference teachings establish a prima facie case of obviousness"*); MPEP § 2143.01 (*"a statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made . . . is not sufficient to establish a prima facie case of obviousness without some objective reason to combine teachings of the references"*)(citing Ex parte Levengood, 28 USPQ.2d

1300)(Bd.Pat.App.&Inter. 1993)("As adapted to *ex parte* procedure, Graham [v. John Deere Co.], 383 U.S. 1, 148 USPQ 459 (1966)) has been interpreted as continuing to place the burden of proof on the Patent Office which requires it to produce the factual basis for [its] rejection of an application under 35 U.S.C. § 102 or 103. . . . [A]n examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done" (alteration in original))(also citing In re Fine, *supra*, 837 F.2d at 1074-76 ("[t]he relied-upon references] disclose at most, that one skilled in the art might find it obvious to try the claimed invention. But whether a particular combination might be 'obvious to try' is not a legitimate test of patentability. The Examiner relies on hindsight to reach his obviousness determination. But this court has said '[t]o imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher'")(citing W.L. Gore & Associates v. Garlock, Inc., *supra*). See also In re Laskowski, 871 F.2d 115, 116, 10 USPQ.2d 1397, 1398 (Fed.Cir. 1989)(reversing Board of Appeals and Interferences affirmance of rejection based on obviousness since "the mere fact that the prior art could be so modified would not [make] the modification

other pending claim of the present application, which all depend therefrom.³ For the foregoing reasons, reconsideration and allowance of Claims 1, 5, 9, 10, 13, 15, 16, 21 and 28, as presented herein, is respectfully requested.

Respectfully submitted,
JOSH R. ROBERTS

By


Gerald J. Iwanejko, Jr.
USPTO Reg. No. 38,501
COHEN & GRIGSBY, P.C.
11 Stanwix Street
Fifteenth Floor
Pittsburgh, PA 15222
(412) 297-4900
Attorneys for Applicant

obvious unless the prior art suggested the desirability of the modification"); In re Fritch, 972 F.2d 1260, 1265-66, 23 USPQ.2d 1780 (Fed.Cir. 1992)(same). See also In Re Bond, 910 F.2d 831, 834-35, 15 USPQ.2d 1566 (Fed.Cir. 1990) (rejecting a Board of Appeals and Interferences finding of obviousness where "critical differences exist between the claimed invention and the [relied-upon] prior art") (alteration in original).

³ See In re Fine, supra, 837 F.2d at 1076 (dependent claims are allowable if independent claims from which they depend are allowable).

APPENDIX**WHAT IS CLAIMED IS:**

1. (amended) A system for processing information which is remotely accessible for computerized monitoring, management and control of a condition, comprising:
 - a. at least one sensing device that detects said condition to provide a corresponding electrical signal representative of said condition;
 - b. a data collector that processes said electrical signal to provide data relating to said condition;
 - c. a transmitter that transmits said data over a communication link;
 - d. a computer system that manages the remote gathering, transmission, processing, storage, access, presentation and use of said data;wherein said computer system comprises a server which processes said data for storage in a database and provides access to said database for retrieval and use of said data in making determinations related to the detected condition;
wherein said server remotely hosts hardware and software for managing and maintaining said database and is accessible by users over said communication link;
wherein said users comprise service providers and customers of said service providers and wherein said server provides data processing for said service providers and said customers to allow gathering, transmission, processing, storage, access, receipt and use of data related to services provided to said customer over the Internet;
wherein multiple data types and multiple server functions exist for a single

customer or single service provider corresponding to multiple services provided to said customer and such that said data types and server functions are modifiable for different services; and

wherein more than one customer of a single service provider accesses said server for receipt of information of said customer provided by said service provider.

5. (amended) The system of Claim 1 or 9 or 28 wherein the types of data and the functions performed by said server in processing said data are specified by said customers or said service providers to customize input, access and use of said data or to designate system users and access rights for said users or to identify preferences for managing, processing and using said data.

9. (amended) The system of Claim 1 wherein a single customer of more than one service provider accesses said server for receipt of information of said customer provided by each said service provider.

10. (amended) The sensor unit of claim 1 or 9 or 28, further including a receiver for processing a request for information over the communication link.

13. (amended) The system of Claim 1 or 9 or 28 wherein said condition relates to at least one of a pest or a bait or an environmental condition.

15. (amended) The system of Claim 1 or 9 or 28, wherein said sensing device comprises at least one of

- an optical sensing device,
- a pressure sensing device;
- a load cell;
- a camera; and
- a moisture meter.

16. (amended) The system of Claim 1 or 9 or 28, wherein said communication link comprises at least one of

- a wired link; or
- a wireless link.

21. (amended) The system of Claim 1 or 9 or 28 wherein:

- a. said sensor unit generates physical characteristic data in connection with at least one of a pest or a bait or an environmental condition;
- b. said data collector receives said physical characteristic data for transmission over said communication link;
- c. said computer system comprises a server that processes said transmitted physical characteristic data to provide detection data; and

- d. a database accessible by said server stores said detection data.

-- 28. (added) A system for processing information which is remotely accessible for computerized monitoring, management and control of a condition, comprising:

- a. at least one sensing device that detects said condition to provide a corresponding electrical signal representative of said condition;
- b. a data collector that processes said electrical signal to provide data relating to said condition;
- c. a transmitter that transmits said data over a communication link;
- d. a computer system that manages the remote gathering,

transmission, processing, storage, access, presentation and use of said data;

wherein said computer system comprises a server which processes said data for storage in a database and provides access to said database for retrieval and use of said data in making determinations related to the detected condition;

wherein said server remotely hosts hardware and software for managing and maintaining said database and is accessible by users over said communication link;

wherein said users comprise service providers and customers of said service providers and wherein said server provides data processing for said service providers and said customers to allow gathering, transmission, processing, storage, access, receipt and use of data related to services provided to said customer over the Internet;

wherein multiple data types and multiple server functions exist for a single customer or single service provider corresponding to multiple services provided to said customer and such that said data types and server functions are modifiable for different services; and

wherein a single customer of more than one service provider accesses said server for receipt of information of said customer provided by each said service provider. --